

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DARYL EUGENE JENKINS,

Petitioner,

v.

WARDEN D. WATSON,

Respondent.

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Civil Action No. 3:20CV171-HEH

**MEMORANDUM OPINION
(Granting Motion to Dismiss)**

Daryl Eugene Jenkins, a Virginia state prisoner proceeding *pro se*, brings this petition pursuant to 28 U.S.C. § 2254 (“§ 2254 Petition,” ECF No. 1) challenging his convictions for unlawful wounding and destruction of property in the Circuit Court for the City of Virginia Beach, Virginia.

Rule 2 of the Rules Governing Section 2254 Cases requires that petitions pursuant to 28 U.S.C. § 2254 “be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner under 28 U.S.C. § 2242.” Rules Governing § 2254 Cases in U.S. District Courts, Rule 2(c)(5). Respondent moved to dismiss the § 2254 Petition on the ground that Jenkins had failed to sign § 2254 Petition. Jenkins made no effort to correct this deficiency. Accordingly, the Motion to Dismiss (ECF No. 8) will be granted and the action will be dismissed without¹ prejudice. A certificate of appealability will be denied.

An appropriate Order will accompany this Memorandum Opinion.



/s/

HENRY E. HUDSON
SENIOR UNITED STATES DISTRICT JUDGE

Date: Oct. 29, 2020
Richmond, Virginia